

REMARKS

To summarize, Claims 1-5, 12, 16, 17, 21, 26 and 30 have been amended. Claims 31-35 have been added. Claims 1-5 and 12-35 are pending.

Applicants appreciate the allowance of Claims 12-20 and the indication of allowable subject matter in Claims 21-30.

Claim 21 has been rewritten in independent form to include the features of parent Claim 1 and thus is believed allowable. Dependent Claim 30 also has been rewritten in independent form to include the features of parent Claim 1 and thus is believed allowable.

The amendment to Claim 12 addresses informalities therein and does not change the scope of the claim.

In view of the above, Claims 12-30 are believed allowable.

Added Claims 31-35 are disclosed in the original specification as follows. The cutting head attached to or integrally formed with a distal end of a shaft as recited in Claims 31 and 33 is disclosed in paragraph [0032], lines 7-10 of Applicants' specification. The specific cutting heads recited in Claim 32 are disclosed in paragraph [0004] of the specification. The procedures recited in Claim 34 are disclosed at paragraph [0094], last four lines of the specification. The endoscopic surgical accessory recited in Claim 35 is disclosed at paragraph [0094], lines 12-15 of the specification. Therefore, no new matter is presented.

In the Office Action, Claims 1, 2, 4 and 5 stand rejected under 35 USC §102(e) as being anticipated by Hilscher, U.S. Patent No. 7 086 111.

Hilscher discloses an electric dental cleaning device that comprises an electric tooth brush. The device includes a transponder 19 mounted to a brush attachment 2 and a handle section 1 having a detector 20 as shown in Figure 18. As shown in Figure 18(a), the transponder 19 can be bonded to a slip-on ring 8.

Page 3, lines 5-7 of the Office Action states that the "surgical tool" recited in the preamble of Claim 1 "indicates an intended use of the device but does not offer any structural limitation".

Applicants' amended Claim 1 now recites a "surgical accessory". Claim 1 further recites "a shaft configured for use in a surgical procedure at a surgical site defined in the body of a patient". As discussed above, Hilscher is directed to an electric toothbrush that is not configured in any way to act as a surgical accessory. Further, the dental cleaning brush of Hilscher is not useable in surgical procedures.

For the above reasons, independent Claim 1, and Claims 2, 4 and 5 dependent therefrom, are believed allowable.

Further, dependent Claim 5 recites that the surgical accessory includes a shaft associated with "one of a tissue cutting tool, a heat generating device, an RF energy device, and a light generating device". The electric toothbrush of Hilscher is not capable of acting as a tissue cutting tool, a heat generating device, an RF energy device, or a light generating device. Therefore, Applicants' Claim 5 is believed to further distinguish Hilscher.

Claim 3 stands rejected under 35 USC §103 as being unpatentable over Hilscher. Claim 3 is believed allowable for the reasons set forth above with respect to parent Claim 1.

Dependent Claims 31 and 32 are believed allowable for the same reasons as parent Claim 30.

Further, Claim 31 recites a cutting head that is not disclosed in Hilscher.

Moreover, Claim 32 recites that the cutting head comprises one of an edger, resector, planer and burr, which is not disclosed by Hilscher.

Dependent Claims 33-35 are believed allowable for the reasons set forth above with respect to Claim 1.

Further, Claim 33 recites "a cutting head attached to or integrally formed with a distal end of said shaft". Hilscher

discloses a toothbrush that has no cutting purpose or capability disposed at the distal end of a shaft.

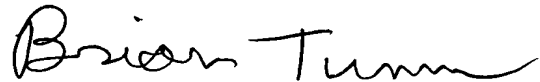
Claim 34 recites that the shaft is "configured for use in one of an ENT procedure, a spinal procedure, and a neurological procedure". The shaft of Hilscher is only configured for brushing teeth.

Claim 35 recites that "said surgical accessory comprises an endoscopic surgical accessory". As discussed above, Hilscher does not disclose a surgical accessory, much less an endoscopic surgical accessory.

For the above reasons, Claims 31-35 are believed allowable.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully solicited.

Respectfully submitted,



Brian R. Tumm

BRT/ad

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

David G. Boutell	Reg. No. 25 072
Terryence F. Chapman	Reg. No. 32 549
Mark L. Maki	Reg. No. 36 589
Liane L. Churney	Reg. No. 40 694
Brian R. Tumm	Reg. No. 36 328
Heon Jekal	Reg. No. 64 219
Eugene J. Rath III	Reg. No. 42 094
Dale H. Thiel	Reg. No. 24 323
Sidney B. Williams, Jr.	Reg. No. 24 949

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